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NES Tyres Consultation
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Consultation on proposed National Environmental Standard on the Outdoor Storage of Tyres (2020)

Environment Canterbury provides this submission in the context of our roles, functions and responsibilities under the Resource Management Act 1991, particularly in relation to the management of adverse environmental effects from the outdoor storage of tyres. Adverse environmental effects can arise from contaminant migration to soil and water, or from risk of fire.

Environment Canterbury in general supports the variations to the proposed National Environmental Standard on the Outdoor Storage of Tyres set out in the 2020 consultation document. Within the Canterbury region, there are a number of known existing stockpiles of tyres. Given the risks they pose to the environment, appropriate management and effective regulatory tools must be a priority.

We welcome this 2020 consultation as a step closer to implementation of the NES, as it will provide a much-needed regulatory framework to help control outdoor tyre storage activity and enable a more consistent approach to be applied to the management of end of life tyres across New Zealand. A more consistent approach will reduce the risk of stockpiles being transported between regions due to differing regulatory approaches across the country.

End of life tyres are not the only waste product that are stockpiled and pose environmental risks through leachate contamination or other risks, such as from fire. Examples of waste stockpiles that pose similar risks to the environment demonstrate the need for more effective regulatory tools to help us manage adverse environmental effects and apply a consistent approach across New Zealand. Although Environment Canterbury is keen to see this NES implemented as a priority, expanding the regulatory regime to include other wastes with similar characteristics including leachate contamination risk should be assessed in the near future.

Environment Canterbury's submission is enclosed.

Yours sincerely



Jenny Hughey
Chair

1. Do you agree with responsibility for the NES sitting with regional councils rather than district councils? Why?

1. We support making the NES the responsibility of regional councils. The most significant risks of the outdoor storage of tyres relate to contaminant migration to soil or water, therefore responsibility aligns well with the functions of a regional council under the RMA. Regional council has expertise in this area through the monitoring and enforcement of discharges to land, water and air and experience dealing with complaints or regulatory action associated with the outdoor storage of tyres.
2. Shifting responsibility for issuing resource consents under the NES to regional councils will also ensure the risks associated with existing stockpiles can be addressed in consenting requirements.
3. Clarity is needed about the Ministry for the Environment's expectations around assessing fire risk and proposed methods to manage the risk of fire. Whilst we are well placed to comment on associated adverse environmental effects from fire and firefighting contaminants, advising on fire risk is not within regional council expertise and functions.
4. In Canterbury, regional council and territorial authorities work together to address issues associated with existing problem sites. Councils also work closely with Fire and Emergency NZ, Canterbury District Health Board and industry to find solutions. These effective working relationships will still carry on if regional councils are responsible for implementation of the NES. For example, territorial authorities will play a supporting role in identifying and collating the location of tyre stockpiles within their boundaries.
5. The proposal is unlikely to have significant cost implications given costs are recoverable. However, there is a continuing need for increased access to tools, such as the rules proposed in this consultation document to help address enforcement issues. For example, we strongly support the provision of a bond to secure performance of conditions.

2. Do you support having a resource consent threshold for the outdoor storage of tyres below the previously proposed 200m³? Why?

6. Environment Canterbury considers that the 200m³ volume threshold for resource consent is appropriate. This is based on experience of adverse environmental effects from contaminant migration and the practicalities of assessing the difference in volume size from 100m³ to 200m³. This threshold provides direction that will allow the storage of small volumes of end of life tyres to continue subject to meeting the proposed permitted activity rule conditions whilst making larger stockpiles require resource consents, so they are subject to appropriate risk management plans. We also note this threshold is below the Fire and Emergency New Zealand guideline of 360m³ to minimise fire risk.
7. We suggest that there is an argument for a different threshold for shredded and crumbed tyres compared to whole tyres storage due to the higher leaching potential from shredded and crumbed tyres.

8. In developing this submission, Environment Canterbury understands that some of our stakeholders, including territorial authorities consider that 100m³ is more appropriate, especially from an amenity perspective. In our view, the difference between the proposed volume thresholds of 100m³ and 200m³ is not significant so if the alternative proposed option is 100m³ was supported by the majority then this would not have significant implications for us.

3. Do you support the addition of a proposed permitted activity rule with requirements? Why/why not?

9. Environment Canterbury supports the addition of a new permitted activity rule with requirements for the outdoor storage of tyres between 40m³ and the discretionary activity threshold. Smaller tyre piles also have the potential for adverse effects, particularly when located near sensitive environments.
10. Environment Canterbury recommends that additional requirements are included where the environments are more sensitive. Additional requirements should be considered for other sensitive environments including:
- community drinking water supplies
 - drinking water source protection areas
 - domestic water supply bores
 - culturally sensitive areas
 - flood management areas mapped in district plans
 - wetlands
 - areas of shallow groundwater
 - Significant Natural Areas/areas of significant flora and fauna
11. The management of pests, including additional requirements to prevent the creation of mosquito breeding grounds should also be considered.
12. We do not consider the need to have different distances for surface water and coastal water separation. However, the 50m setback should be reviewed to take into consideration potential climate change effects in coastal areas. Increasing the setback distance further should be considered.

4. Do you have any suggestions on the indicative requirements in table 1?

13. It is unclear from the proposal set out what would happen with the water accumulating in the bunds. For example, can this be discharged subject to treatment and if discharged to trade waste, what if no trade waste network is available? Clarity is needed whether this would need an additional discharge permit, or whether this can be addressed through the proposed NES.

5. Which of the options (200m³ or 100m³) for setting a resource consent threshold do you support? Why?

14. For the reasons set out in bullet point 6, Environment Canterbury considers that option B, the 200m³ volume threshold for resource consent with the proposed permitted activity rule is appropriate.

6. How would the proposed options affect your business/organisation?

15. Storage of tyres outdoors can pose chronic and acute risks to the local community and the wider environment if not appropriately managed. When end of life tyre stockpiles are abandoned or tyre dumps created, the required management and clean-up is often left to district, city or regional councils. The rate payer ends up paying the cost of correct management and/or disposal. Implementation of the regulatory tools provided by this NES will help control future outdoor storage of tyres and therefore reduce the risk of costs to manage and dispose of end of life stockpiles landing on the ratepayer. For example, we strongly support tools such as the provision of a bond to secure performance of conditions to prevent costs unfairly landing on the community.
16. The implications of regional council responsibility for implementation of NES is unlikely to have significant cost implications for ratepayers given costs are recoverable.

7. Do you think the scope of the proposed NES should be extended to include indoor tyre storage? Why/why not?

17. Although indoor storage poses a fire risk and therefore potential discharges to air, land and water could occur, from a regional council perspective the storage of tyres indoors does not present the same environmental risks as when tyres are stored outdoors. The priority focus of the NES should be managing the adverse effects posed by outdoor storage of tyres to the environment through leachate and fire risk. Therefore, Environment Canterbury does not think that the scope should be extended at this time.

8. Do you agree with the proposed exemption from the resource consent requirement for farm silage tyres? Why/why not?

18. Environment Canterbury supports the exemption for silage tyres on the basis that silage tyres are subject to the proposed permitted activity rule whether they are on silage stacks or being stored off season.
19. In the consultation document, one of the reasons supporting this proposal was the existing controls in regional plans relating to silage, production and leachate. In Canterbury, the regional plan rules cover the effects of leachate from silage rather than the effects of tyres and we have no control over the tyres when they are not on the silage pit. Environment Canterbury supports the Ministries for the Environment and Primary Industries working together on implementation guidance and definition clarity to ensure this will not result in loopholes.

9. Do you have comments on the other aspects of the proposed NES?

20. As noted in the covering letter, whilst management of the outdoor storage of tyres is a priority issue that needs to be addressed urgently, we would support the Ministry for the Environment reviewing in the near future whether to expand the regulatory framework to include other waste stockpiles that have similar attributes, such as plastic waste, scrap yards and other industrial storage sites that are not covered under the municipal waste rules that regional plans normally contain.
21. We support the Government's wider initiatives to address waste management issues in New Zealand and encourage waste minimisation. This includes the proposed regulated product stewardship schemes that places more responsibility for the environmental impacts and costs of end of life tyres and other waste on producers, retailers and consumers.